

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

MULTIPOP LLC,

Plaintiff

v.

GOOGLE LLC d/b/a YOUTUBE,

Defendant

Case No. 6:20-cv-00147

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Multipop LLC (“Multipop” or “Plaintiff”) files this Complaint for patent infringement against Defendant Google LLC d/b/a YouTube (“Google” or “Defendant”), and alleges as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under 35 U.S.C. § 1 *et seq.*

PARTIES

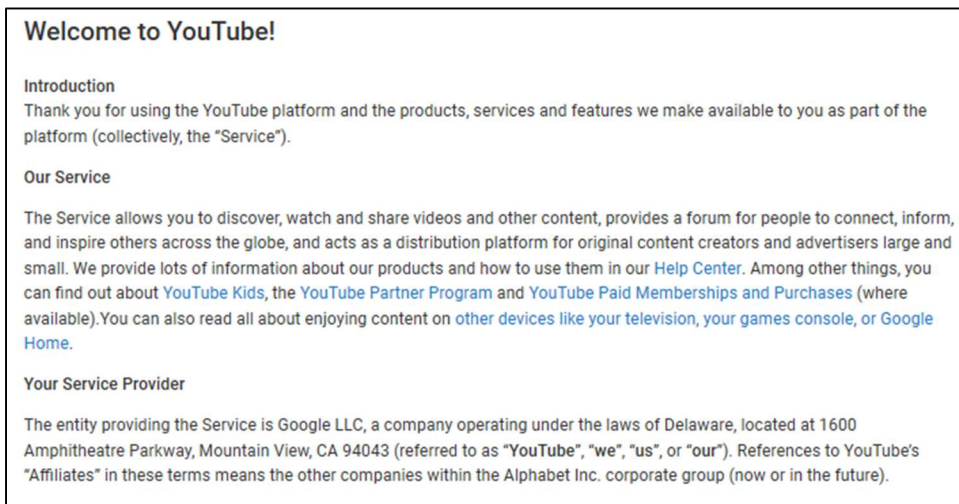
2. Multipop is a limited liability company organized and existing under the laws of the State of Illinois with its principal place of business at 179 Christopher Street, New York, NY 10004.

3. Google LLC (“Google”) is a Delaware corporation with a physical address at 500 West 2nd Street, Austin, Texas 78701. Google may be served with process through its registered agent, the Corporation Service Company, at 211 East. 7th Street, Suite 620,

Austin, Texas 78701. Google is registered to do business in the State of Texas and has been since at least November 17, 2006.

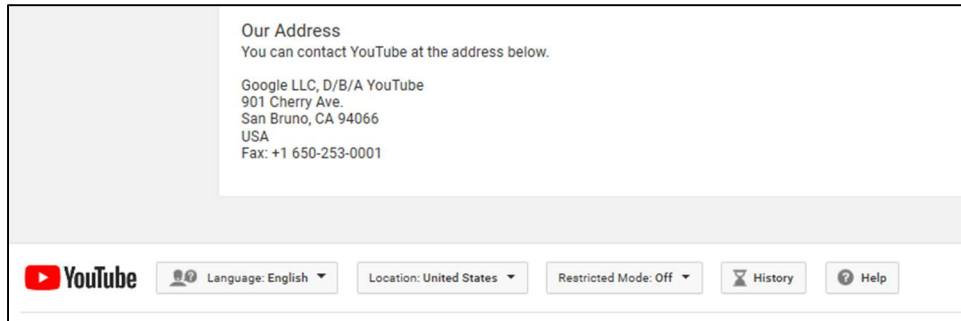
4. YouTube, LLC (“YouTube”) is wholly owned by Google and is a Delaware limited liability company with a physical address at 3600 Presidential Boulevard, Austin, Texas 78719. YouTube may be served with process through its registered agent, the Corporation Service Company, 251 Little Falls Drive, Wilmington, Delaware 19808. YouTube actively transacts business in this District and within the state of Texas at least through a server located at 3600 Presidential Boulevard, Austin, Texas 78719.

5. Google is the entity that operates, controls, and provides the YouTube platform, products, and services.



<https://www.youtube.com/static?template=terms>

6. Google, LLC does business as YouTube.



https://www.youtube.com/t/contact_us

JURISDICTION AND VENUE

7. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

8. Upon information and belief, Defendant is subject to personal jurisdiction of this Court based upon it having regularly conducted business, including the acts complained of herein, within the State of Texas and this judicial district and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this District.

9. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400 because Defendant has committed acts of infringement and have regular and established places of business in this judicial district.

COUNT I **(Infringement of U.S. Patent No. 9,998,518)**

10. Multipop incorporates paragraphs 1 through 9 as though fully set forth herein.

11. Plaintiff is the owner, by assignment, of U.S. Patent No. 9,998,518 (the “518 Patent”), entitled MEDIA PLATFORM FOR ADDING SYNCHRONIZED

CONTENT TO MEDIA WITH A DURATION, which issued on June 12, 2018. A copy of the '518 Patent is attached as Exhibit PX-518.

12. The '518 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

13. Defendant has had notice of the '518 Patent and allegations of infringement of the '518 Patent at least as early as February 25, 2019 via Defendant's licensing portal and by letter dated June 12, 2019.

14. Defendant owns, controls, and provides the YouTube platform, channel, and service, which "allows [users] to discover, watch and share videos and other content, provides a forum for people to connect, inform, and inspire others across the globe, and acts as a distribution platform for original content creators and advertisers large and small." <https://www.youtube.com/static?template=terms> (the "Accused System.")

15. The YouTube service is accessible via the <https://www.youtube.com/> website.

16. With the Accused System, a user can add "cards" to their video. The use of cards is described as follows:

Use cards and end screens to encourage your viewers to take an action.

✓ Introduction to cards ^

Cards are preformatted notifications that appear on **desktop and mobile** which you can [set up](#) to promote your brand and other videos on your channel. You can choose from a variety of card types like: merchandise, fundraising, video, [and more](#). Once they're set up, a small rectangular box, or **teaser**, will appear in the top right corner of the video to give your fans a preview of the message. If viewers tap or click the teaser, the card associated with the video appears along the right side of your video (or below the player on mobile in portrait mode).

Cards work well when they are placed in conjunction with scripted calls to action or when they are relevant to your video content. For example, if you mention a specific video or a piece of merchandise, you could try adding a card at that exact moment. Cards are convenient because they give the viewer an option to click, and if they don't, it disappears from their view. Note: there may be cases when the card may not show up, for example, if your video has been claimed by Content ID and the content owner has set up a campaign.

Guidelines

- You can use cards and scripted calls to action to link to other videos, playlists, associated websites or to prompt your audience to buy merchandise or support your crowdfunding campaign.
- You can also use cards in older videos to highlight your most recent uploads, or to promote merchandise or fundraising campaigns.

Tips

- You can have up to five cards per video.
- Cards can help to cross promote other creators, and credit collaborators in your video.

Measure success

Check YouTube Analytics to see how well your cards are doing. For more info on how to navigate the data, [click here](#).

<https://creatoracademy.youtube.com/page/lesson/cards#strategies-zippy-link-5>

✓ Introduction to end screens ^

End screens are a powerful tool which can help extend watch time on your channel by directing viewers to something next at the end of your videos. You can add them to the last 5-20 seconds of a video and they appear on both desktop and mobile.

End screens allow you to promote up to four elements. They can point viewers to other videos, playlists or channels on YouTube; to call for subscriptions to your channel; and to promote your website, merchandise, and crowdfunding campaigns. Note: There are times when end screens may be skipped, such as when your video is playing in background mode. Also, end screen size and placement can vary based on the dimensions of the screen so try to avoid pointing to an exact place on-screen.

Guidelines

- Use end screens to promote up to four [different elements](#): a video or playlist, encourage viewers to subscribe, cross-promote another channel and link to approved websites.
- Consider leaving space at the end of your video for your end screen elements to sit.
- Card teasers and branding watermarks are suppressed during an end screen, so make sure you do not use both during an end screen.

Measure success

Check YouTube Analytics to see how well your end screens are doing. For more info on how to navigate the data, [click here](#).

<https://creatoracademy.youtube.com/page/lesson/cards#strategies-zippy-link-5>

✓ Promote the most relevant content to your viewers ^

End screens and cards are most successful when they give your viewers something relevant to watch or do. When you add a card or end screen, ensure it points or gives context to the thing that your viewer may want to do next. Both let you:

- Feature **other relevant videos** on your channel or another video you like on YouTube in both video cards and end screens. You can select a video you want to feature manually, or, with end screens, YouTube can do this for you by selecting either the latest upload or the best option for your viewer.
- Direct viewers to more information like content on your associated website, your merchandise or crowdfunding campaign, or other websites important for your channel. [Learn more](#) about associated websites.
- Highlight collaborators by adding **channel cards**.
- Ask questions or get feedback using **poll cards**.

Tips

- [Check out our pre-approved merch and crowdfunding sites.](#)
- [Read up on merchandise best practices to get started.](#)
- Use end cards to encourage viewers to subscribe.

<https://creatoracademy.youtube.com/page/lesson/cards#strategies-zippy-link-5>

✓ Encourage your viewers to click ^

You can boost your chances of success with end screens and cards by making sure that your viewers are aware they're there. Try combining these with a call-to-action in your videos so that your audience pays attention.

- When you are shooting a video, consider **where you will place** your end screen elements and leave space in the shot. However, try not to point to an exact spot in the frame because the location of end screen elements (and cards) may appear in different places based on device.
- Think carefully about what **teaser text** you can use to supplement your link cards.
- You can include a **verbal call-to-action** such as "hit the 'i' button" or "check out this playlist" in your scripts when filming.
- Consider editing in a **visual graphic element** that draws your viewers' eyes to the card or end screen they can click on.

<https://creatoracademy.youtube.com/page/lesson/cards#strategies-zippy-link-5>

✓ Make sure your cards and end screens appear at the right time ^

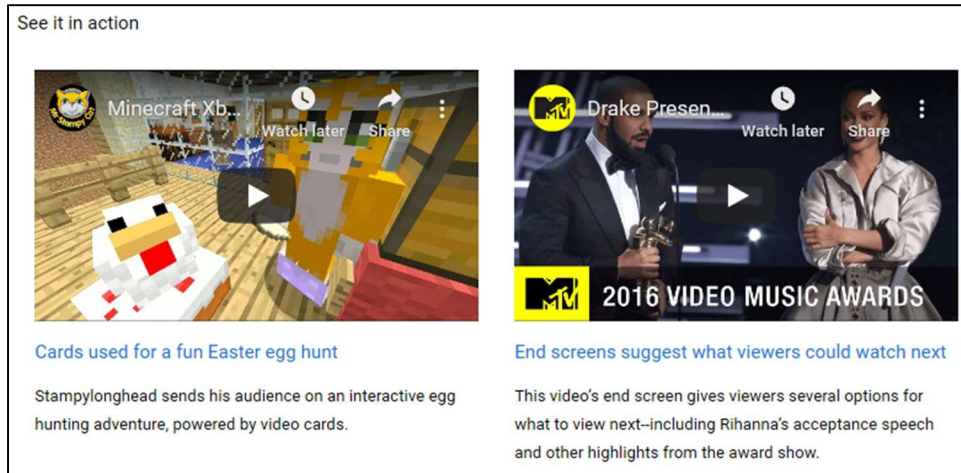
End screens only appear in the last 20 seconds of your videos, but you can use cards throughout.

Consider the context of the viewer when adding end screens. If your video is part of a series or playlist, it might not make sense to add an end screen if you're leading them to the next video via a playlist.

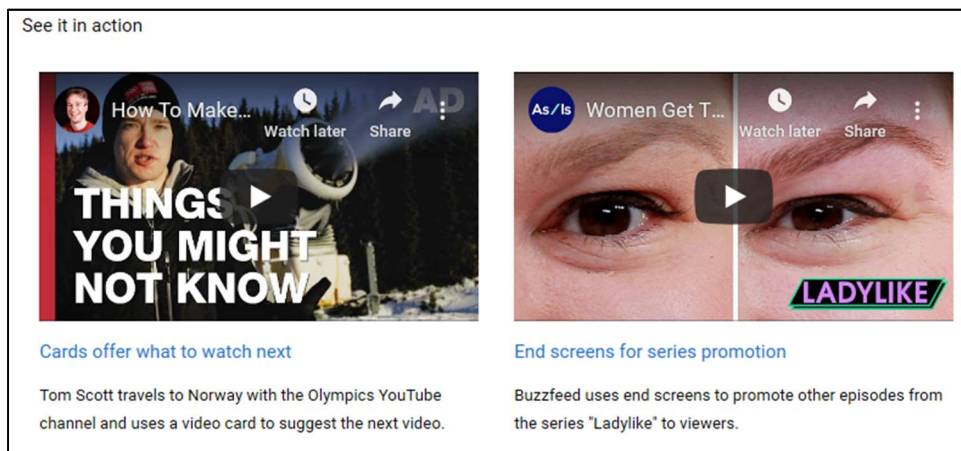
Make the most of cards by setting them up to appear at a relevant time in your video. For example, you could promote something to watch next, or another channel you think your viewers might like to watch, but try to make sure you're not asking them to leave at the most exciting part of your video! Cards work best if they appear later in your video when your viewers are looking for somewhere to go next. You can try these tips for animation at the perfect moment:

- Set video cards to animate in the **last 20% of your video**, just before you are wrapping up, so that viewers see them before they move on to the next video. Note: cards won't animate if used at the same time as an end screen.
- Set merchandise link cards to appear **when your merch appears** in the video.
- If you are using multiple cards, **space them out**.

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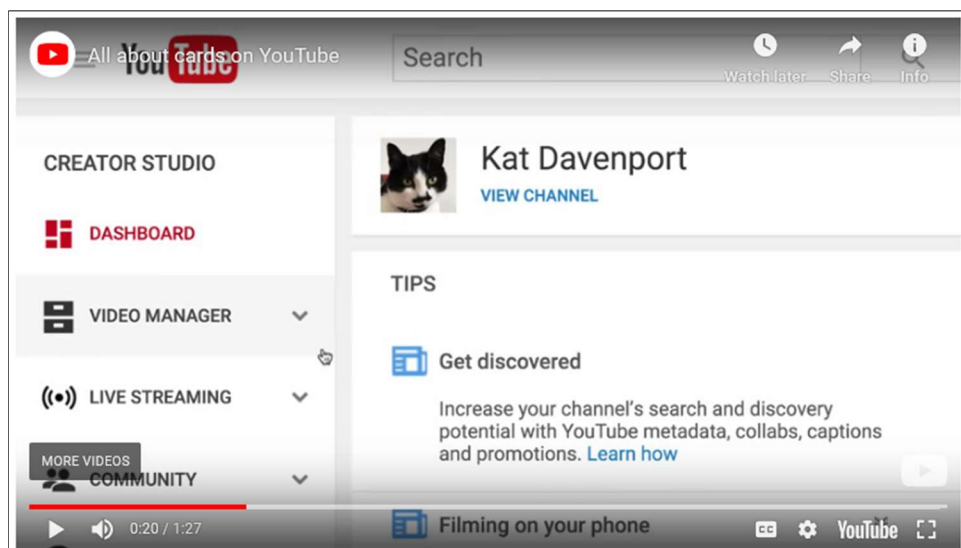
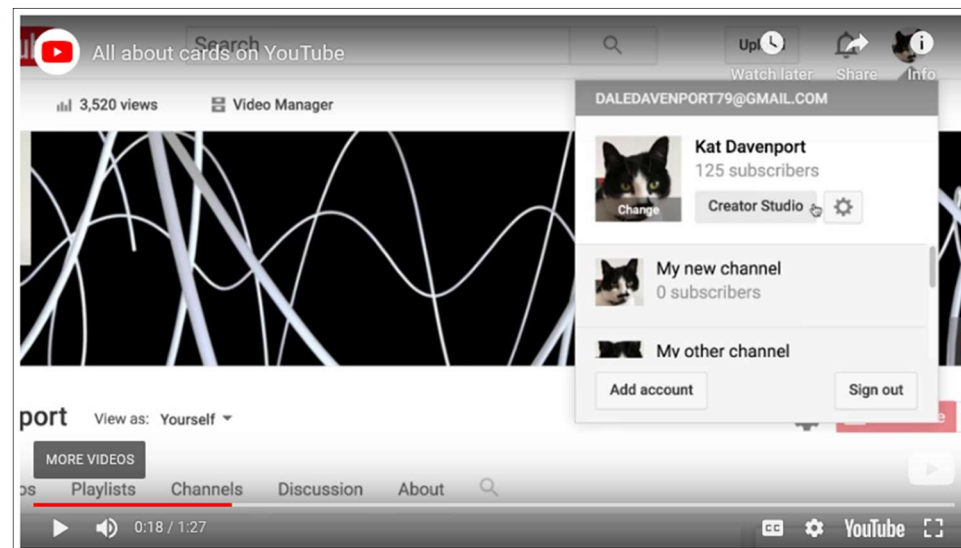
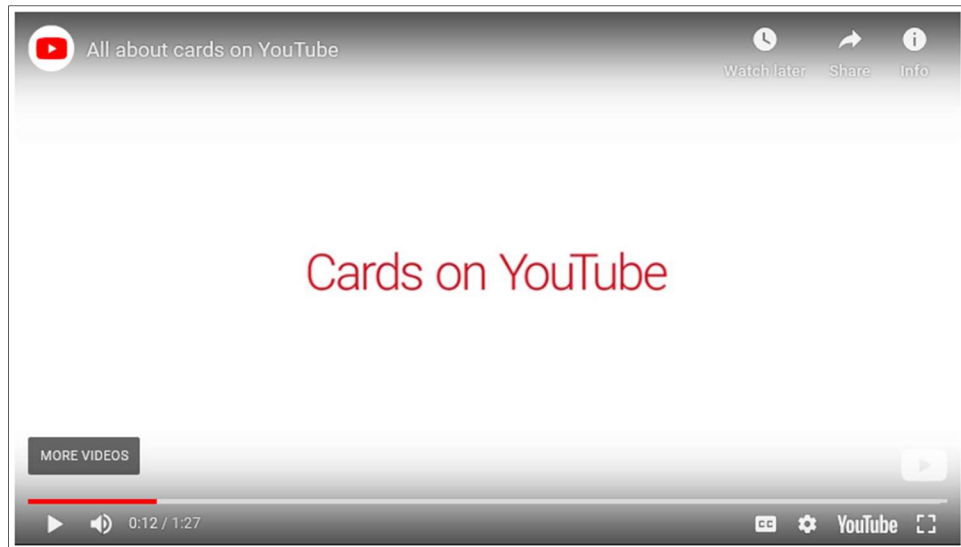


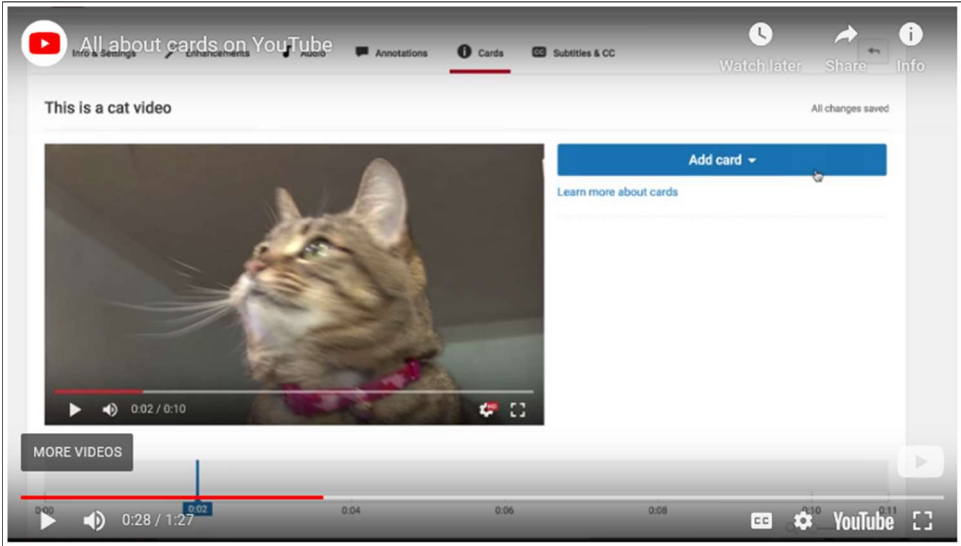
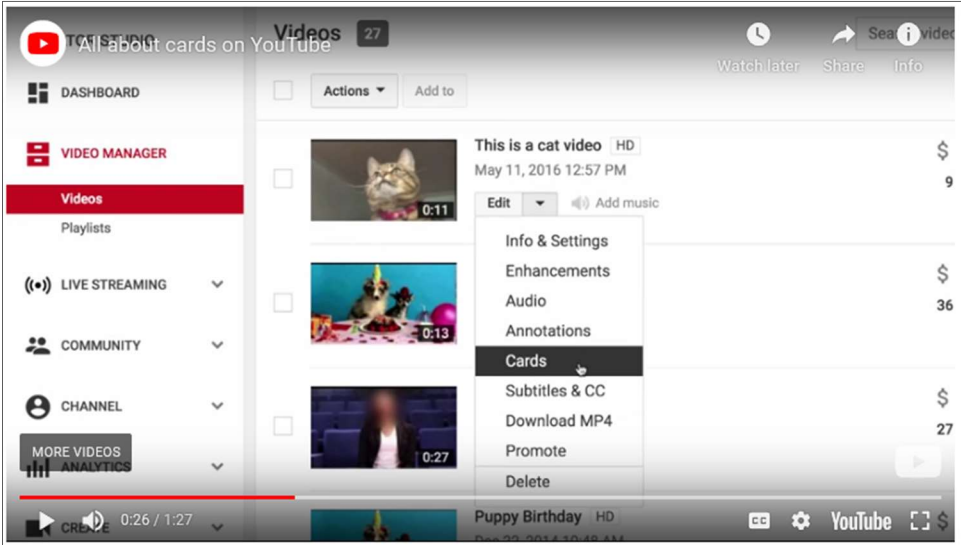
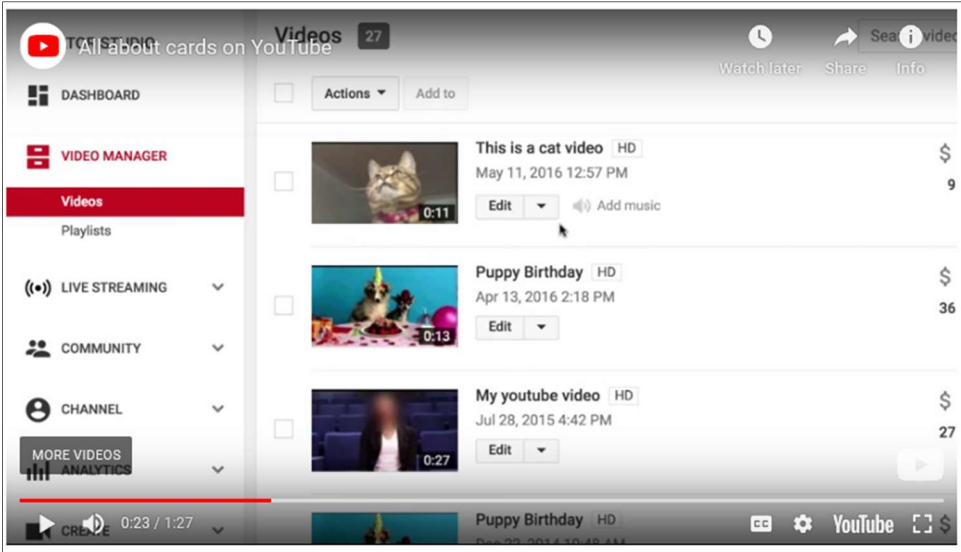
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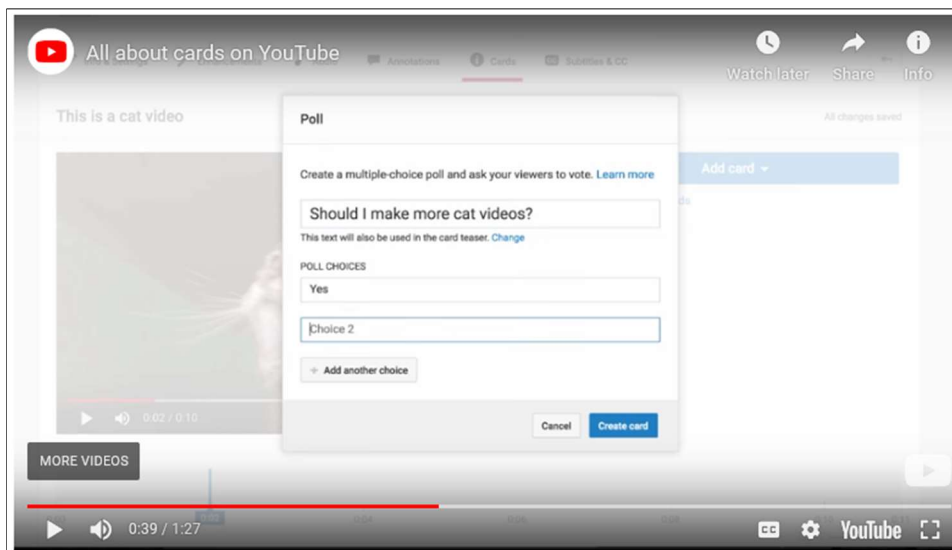
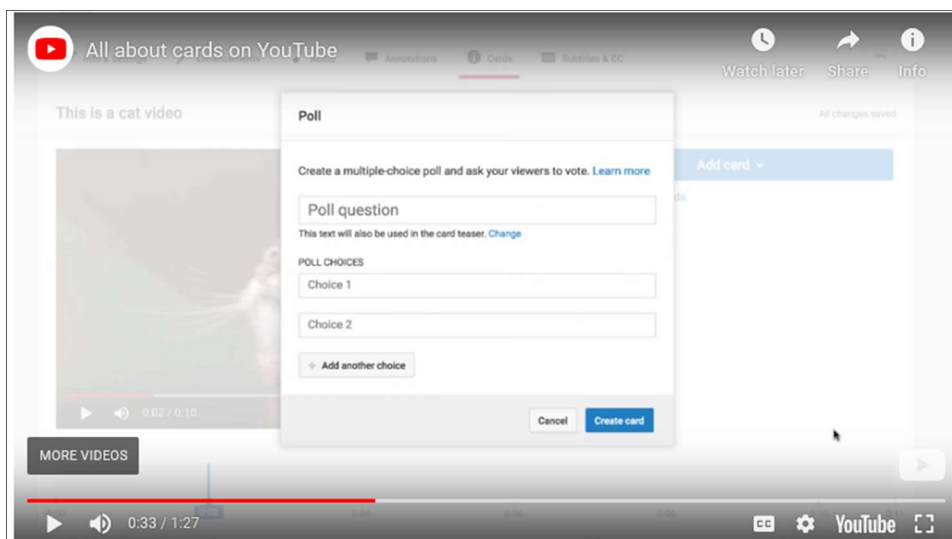
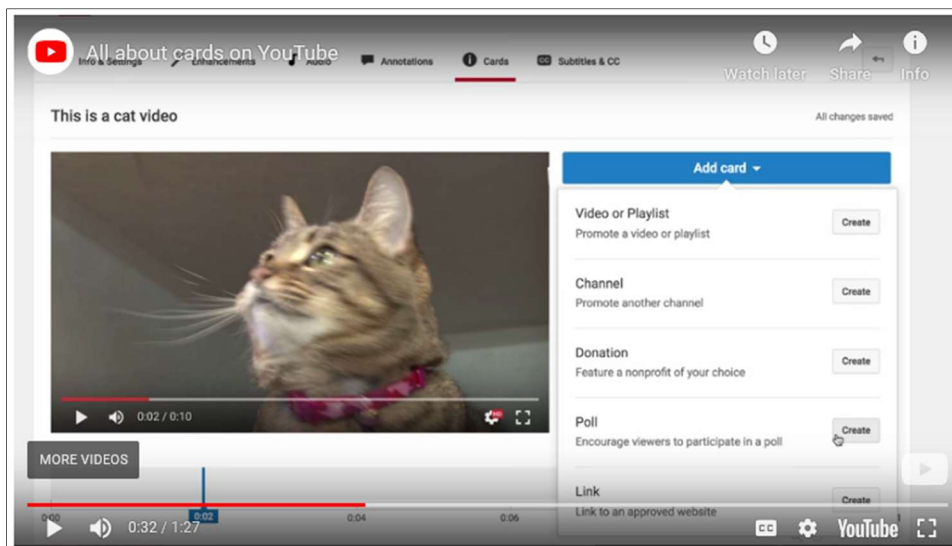


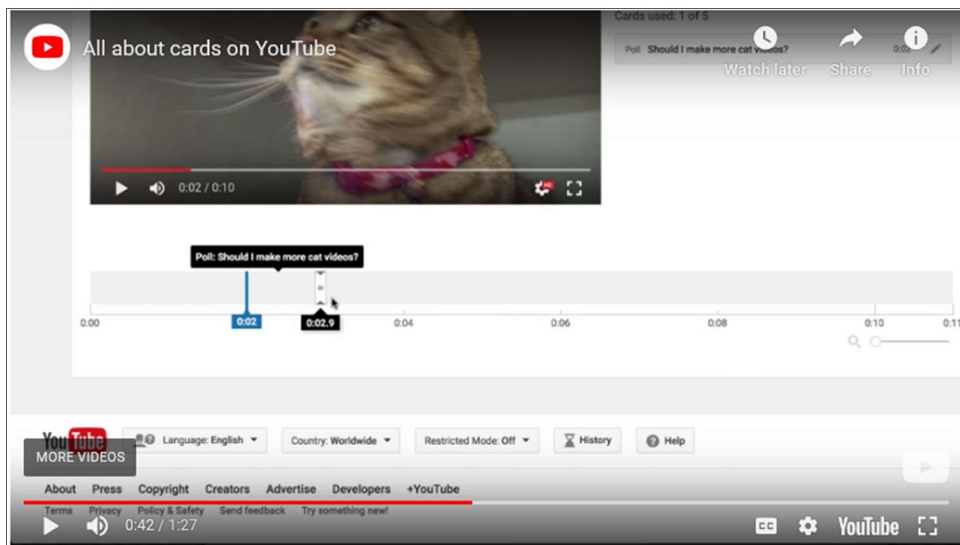
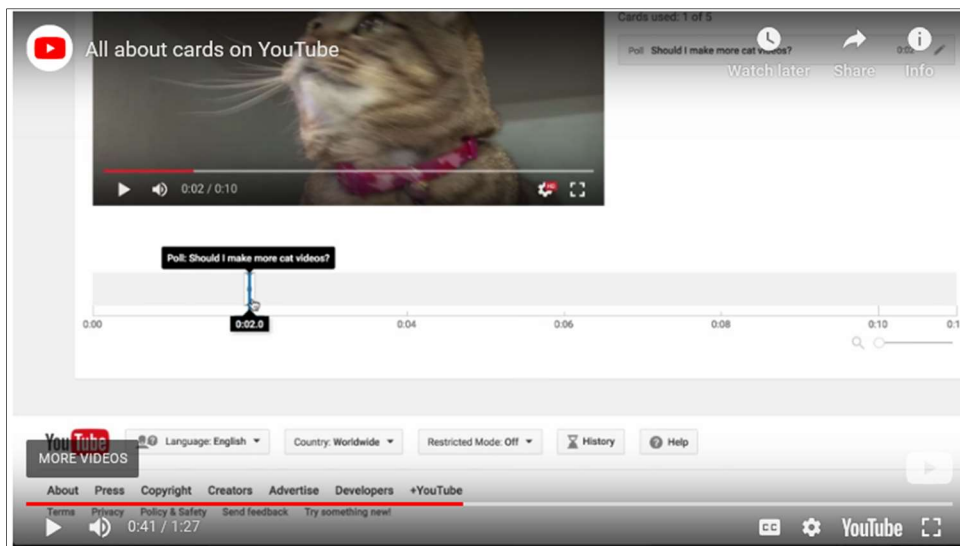
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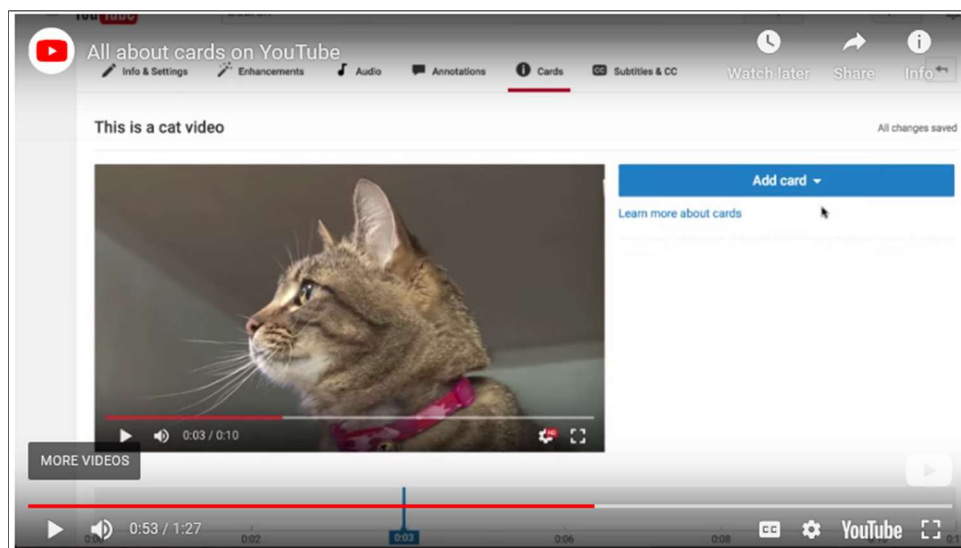
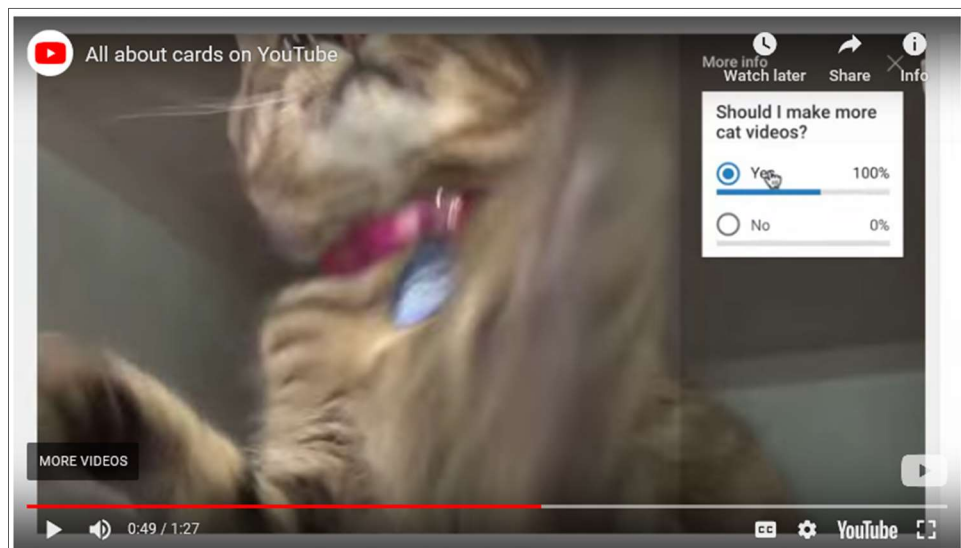
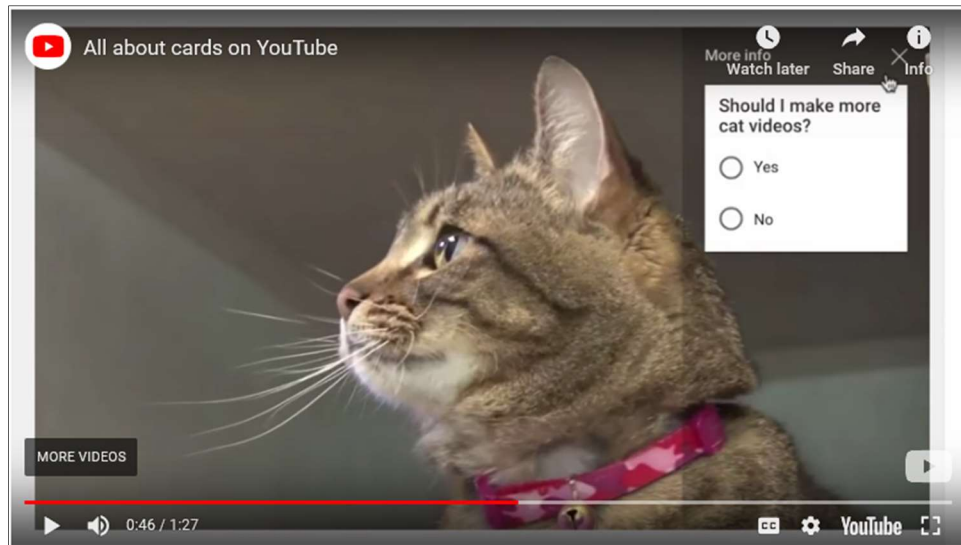
17. Defendant provides YouTube Studio, which allows users to add cards and end screen annotations to their videos. https://www.youtube.com/watch?v=-Sex3r_CNWU&feature=youtu.be

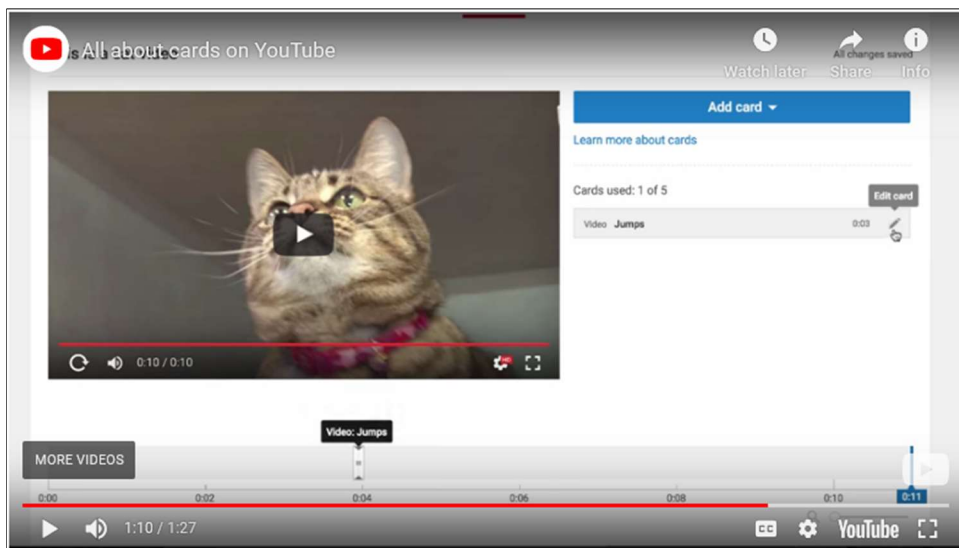
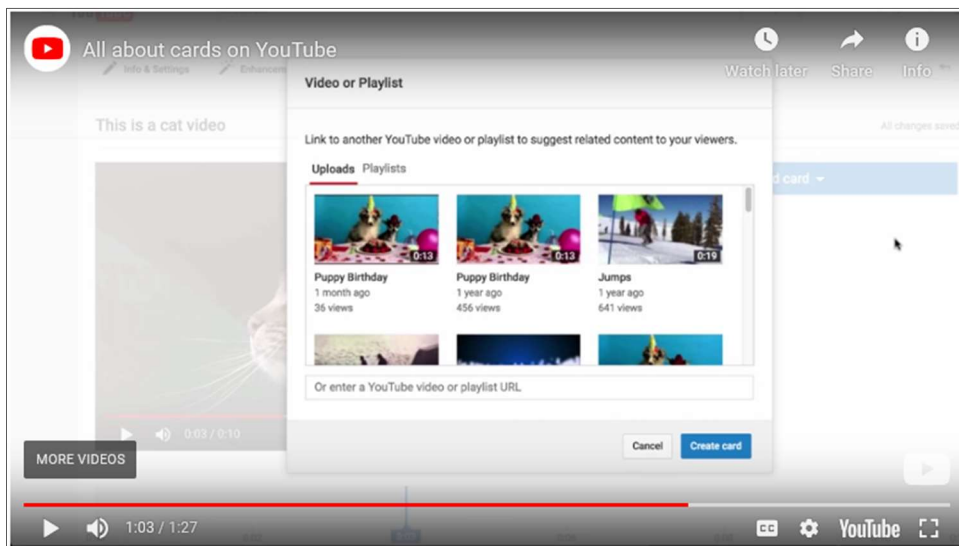
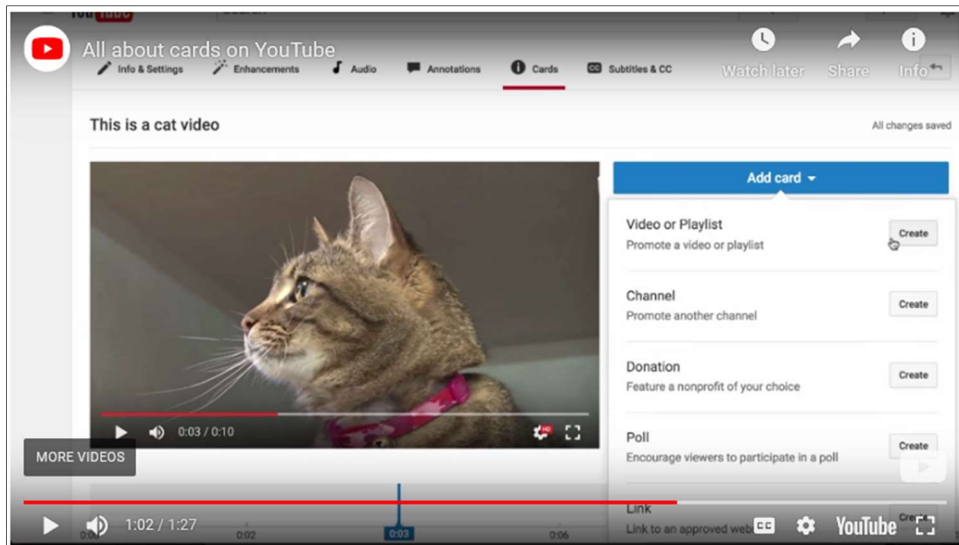












18. At least by establishing, hosting, promoting, and using the Accused System, Defendant encourages users to use the Accused System to add cards to their videos and thereby use the claimed invention, which Defendant controls the use of and derives a direct benefit and profit from.

19. Upon information and belief, Defendant has infringed and continues to infringe one or more claims, including Claim 1, of the '518 Patent by making and using the Accused System in the United States without authority. Defendant has infringed and continues to infringe the '518 Patent either directly or through the acts of inducement in violation of 35 U.S.C. § 271.

20. Claim 1 of the '518 Patent recite:

A system for adding content to video with a time duration, comprising:

a content server that receives, from an author computing device, a layout
for media with a time duration and media without a time duration,
the content server assigning a layout identifier to the layout:

a content database, in operable communication with the content server,
that stores the layout according to the layout identifier and that
stores content synchronization data received, from the author
computing device, for the layout, the content synchronization data
having a location of the media with the time duration, a set of
content, a content start time, and a content end time, the content
start time being a time in the media with the time duration at which
play of the content is to start, the content end time being a time in

the media with the time duration at which the play of the content is to end;

a processor, in operable communication with the content server, that receives a request for the layout according to the layout identifier from a media player, retrieves the content synchronization data associated with the layout identifier, automatically generates a manifest comprising JAVASCRIPT Object Notation code according to the content synchronization data for the layout, and sends the manifest to a media player that automatically generates HyperText Markup Language code such that a computing device implements the HyperText Markup Language code to render the layout on a display device in operable communication with the computing device and perform a synchronized playback based upon the manifest.

21. The Accused System is a system for adding content (cards and end screen annotations) to (user) video with a time duration.

22. The Accused System includes a content server that receives (the accused system), from an author computing device (a user's computer), a layout for media with a time duration and media without a time duration (user video with cards or end screen annotations), the content server assigning a layout identifier to the layout (a unique identifier to identify the video with the cards or end screen annotation).

23. The Accused System includes a content database (the storage of user video), in operable communication with the content server, that stores the layout according to the layout identifier and that stores content synchronization data received, from the

author computing device, for the layout, the content synchronization data (data indicating the timing of the cards and end screen annotations) having a location of the media with the time duration, a set of content, a content start time, and a content end time, the content start time being a time in the media with the time duration at which play of the content is to start, the content end time being a time in the media with the time duration at which the play of the content is to end.

24. The Accused System include a processor, in operable communication with the content server, that receives a request for the layout (a request to play the user's annotated video) according to the layout identifier from a media player, retrieves the content synchronization data associated with the layout identifier, automatically generates a manifest comprising JAVASCRIPT Object Notation code according to the content synchronization data for the layout, and sends the manifest to a media player that automatically generates HyperText Markup Language code such that a computing device implements the HyperText Markup Language code to render the layout on a display device in operable communication with the computing device and perform a synchronized playback based upon the manifest.

25. Multipop has been damaged by Defendant's infringing activities.

WILLFUL INFRINGEMENT

26. Defendant has continued making, using, selling, and/or offering for sale the Accused System including products and/or services for receiving, converting, and sharing streaming video, including those distributed through YouTube, despite an objectively high likelihood that their actions infringe at least one claim of the '518 Patent, thus making Defendant liable for willful infringement damages pursuant to 35 U.S.C. §284.

27. Defendant's direct, indirect, and willful infringement of the '518 Patent has caused, and will continue to cause, substantial damage to Plaintiff. Therefore, Plaintiff is entitled to an award of damages adequate to compensate for Defendant's infringement, but not less than reasonable royalty, together with pre-and post-judgment interest, attorneys' fees, and costs as fixed by the Court under 35 U.S.C. §§ 284 and 285.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests the Court enter judgment against Defendant:

1. declaring that the Defendant has infringed the '518 Patent;
2. awarding Plaintiff its damages suffered as a result of Defendant's infringement of the '518 Patent;
3. awarding Plaintiff willful infringement damages;
4. awarding Plaintiff its costs, attorneys' fees, expenses, and interest; and
5. granting Plaintiff such further relief as the Court finds appropriate.

JURY DEMAND

Plaintiff demands trial by jury, Under Fed. R. Civ. P. 38.

Dated: February 25, 2020

Respectfully submitted,

/s/ Raymond W. Mort, III

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